

**OCTOBER 26, 2010 MINUTES
SPECIAL WHEATLAND PLANNING
COMMISSION MEETING
WHEATLAND COMMUNITY CENTER,
101 C STREET, WHEATLAND, CA
6:00 – 6:23 p.m.**

PLANNING COMMISSIONERS PRESENT: T. Mihalyi, K. Kuntz and J. Wickliff
ABSENT: M. Pfaff

OTHER OFFICIALS PRESENT: T. Raney, Community Development Director
R. Shanahan, City Attorney

PLEDGE OF ALLEGIANCE:

Commissioner Tom Mihalyi led the pledge of allegiance.

PUBLIC COMMENT

None.

CONSENT CALENDAR

It was moved by J. Wickliff, seconded by K. Kuntz to approve **minutes from the regular meeting on June 1, 2010**. Vote called – AYES: All. Motion carried.

PUBLIC HEARING

1) T. Raney presented discussion of the amendments Development Agreements between the City and Wheatland Heritage Oaks, LLC (Heritage Oaks Estates East-Single Family Residential). Raney explained that in 2006, the Wheatland City Council approved a Development Agreement for the Heritage Oaks East project with Wheatland Heritage Oaks, LLC. As required by the state law, the Planning Commission conducted a public hearing on the Development Agreement prior to the Council's action and recommended that the City Council approve the agreement. Because substantive changes have been made to original development agreement, the Planning Commission is required to conduct a hearing and make a recommendation to the Council on the Development Agreement Amendment. 2 At the March 9, 2010 meeting, the Wheatland City Council conducted a public hearing to consider the termination of the Development Agreement related to the Heritage Oaks East projects and voted to continue the hearing to the June 8, 2010 City Council meeting. The Council granted the 90-day extension based on the request of the current property owners in order to allow them to work with City staff to correct the Development Agreement deficiencies. On June 9, 2010, the City Council granted the property owners an additional 30-day extension and continued the hearing to the July 13, 2010 Council meeting. One final 30-day extension was granted by the City Council, which continued the hearing to August 10, 2010. Based on the original Development Agreement, the residential portion of Heritage Oaks East project owes the City a share of the Main Street signal as well as other identified costs. At the June 9, 2010 meeting, Mr. Doug Mull, representing the Lewis Operating Company,

indicated that his company was in negotiations with US Bank to purchase the residential portion of Heritage Oaks East. Lewis Operating Company is now under contract with US Bank for the property and will pay the monies due according to a payment plan. This payment plan requires Lewis Operating Company to pay the Main Street Signal costs once the City Council formally discontinues the consideration of the Development Agreement default. The remainder of the monies due will be paid once the property is transferred to Lewis Operating Company. This payment plan will eliminate the Development Agreement default for the residential portion of Heritage Oaks East. Since March 2010, City staff has met on many occasions with the representatives of Lewis Operation Company. Through these meetings, staff has developed tentative agreements that have served as the basis for the Development Agreement Amendment. A sub-committee of the City Council reviewed these tentative agreements and provided direction to staff to have the City Attorney prepare the Development Agreement Amendment.

Raney explained that the agreement that was presented in the agenda packets is not the version that Commissioner will vote on. Raney pointed out that strikeouts from the document were removed and the only primary difference are two sentences added on page five under section 3.8 that talks about the term of the conditions of the section. On page two under section 3.1, the word 'permanent' will be deleted.

T. Mihalyi clarified that the amended agreement will be the same as what has been approved in the past.

Public Comment

William Harrison commented on FEMA certification of the levee and questioned if there will be any building until the levee is certified.

It was moved by J. Wickliff, seconded by K. Kuntz to **formally recommend that the City Council approve the amendments to the Development Agreement between the City of Wheatland and Wheatland Heritage Oaks, LLC (Heritage Oaks East – Single Family Residential). . The Development Agreement was originally executed between the City of Wheatland and Wheatland Heritage Oaks, LLC. Due to a transfer of the ownership of the property, Lewis Operating Company now controls the property and is listed as a party to the agreement.** Vote called – AYES: All. Motion carried.

2) T. Raney presented discussion of the amendments to the Development Agreement between the City and Lakemont Overland Crossing, LLC (Jones Ranch). Raney explained that in 2006, the Wheatland City Council approved a Development Agreement for the Jones Ranch project with Lakemont Overland Crossing, LLC. As required by the state law, the Planning Commission conducted a public hearing on the Development Agreement prior to the Council's action and recommended that the City Council approve the agreement. Because substantive changes have been made to original Development Agreement, the Planning Commission is required to conduct a hearing and make a recommendation to the council on the Development Agreement Amendment. At the March 9, 2010 City Council meeting, the Wheatland City Council conducted a public hearing to consider the termination of the Development Agreement related to the Jones Ranch project and voted to continue the hearing to the June 8, 2010 City Council meeting. The Council granted the 90-day extension based on the request of the current property owners in order to allow them to work with City staff to correct the Development Agreement deficiencies. On June 9, 2010, the City Council granted the property owners an additional 30-day extension and continued the hearing to the July 13, 2010 Council meeting. One final 30-day extension was granted by the City Council, which continued the hearing to August 10, 2010.

The Jones Ranch property is currently owned by Royal Bank of Canada and the monies owed to the City according to the Development Agreement have been paid in full. However, the Development Agreement required that a Joint Use Agreement be established between the City and the Wheatland High School District related to the park facility identified adjacent to Wheatland High School. The previous owners of the Jones Ranch project entered into a separate agreement with the Wheatland High School District prior to the Joint Use Agreement being negotiated, and this separate agreement eliminated the possibility of a joint use park adjacent to the Wheatland High School. The Wheatland High School Board re-confirmed their interest in their agreement with the property owner at their meeting on July 13, 2010. Since March 2010, City staff has met on many occasions with the representatives of Jones Ranch. Staff has worked with the Royal Bank of Canada representatives to find a suitable replacement for the lost park land to cure the Development Agreement deficiency. This includes having approximately 5 acres of additional land within the project area dedicated to the City for park use. The dedication of this land will eliminate the Development Agreement default for Jones Ranch. Through these meetings with the Royal Bank of Canada representatives, staff developed tentative agreements that served as the basis for the Development Agreement Amendment. A sub-committee of the city council reviewed these tentative agreements and provided direction to staff to have the City Attorney prepare the Development Agreement Amendment.

T. Mihalyi had questions related to the joint use agreement with the High School.

Public Comment

William Harrison commented on the term of the agreement, stating the streets in the proposed development are too narrow and questioned if there are any schools proposed in the development.

It was moved by J. Wickliff, seconded by K. Kuntz to **recommend that the Wheatland City Council approve the amendments to the Development Agreement for the Jones Ranch project. The Development Agreement was originally executed between the City of Wheatland and Lakemont Overland Crossing, LLC (Jones Ranch). Due to a transfer of the ownership of the property, Royal Bank of Canada now owns the property and is listed as a party to the agreement.** Vote called – AYES: All. Motion carried.

REPORTS

None.

With no other business before the Commissioners, the meeting adjourned at 6:23 p.m.

Respectfully submitted,
Tim Raney, Community Development Director